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8

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12 **MARCO ANTONIO CARRALERO,**
13 **ET AL.;**

14 Plaintiffs,

15 v.

16 **ROB BONTA, IN HIS OFFICIAL**
17 **CAPACITY AS ATTORNEY GENERAL OF**
18 **CALIFORNIA,**

19 Defendant.
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8:23-cv-01798-MRA-ADS

**DEFENDANT'S ANSWER TO
COMPLAINT FOR
DECLARATORY, INJUNCTIVE,
OR OTHER RELIEF**

Courtroom: 10B
Judge: Hon. Mónica Ramírez Almadani
Action Filed: September 26, 2023

Defendant Rob Bonta, in his official capacity as Attorney General of the State of California, submits this answer in response to Plaintiffs' Complaint for Declaratory, Injunctive, or Other Relief (the Complaint) (Dkt. No. 1). Defendant hereby answers the Complaint, in paragraphs that correspond to the Complaint's paragraphs, as follows:¹

INTRODUCTION²

1. Paragraph No. 1. This paragraph consists of allegations that contain argument and legal contentions and legal authorities that speak for themselves, requiring no response by Defendant. To the extent that a response is required, Defendant denies each and every allegation.

2. Paragraph No. 2. This paragraph consists of allegations that contain argument and legal contentions and legal authorities that speak for themselves, requiring no response by Defendant. To the extent that a response is required, Defendant denies each and every allegation.

3. Paragraph No. 3. This paragraph consists of allegations that contain argument and legal contentions and legal authorities that speak for themselves, requiring no response by Defendant. To the extent that a response is required, Defendant denies each and every allegation.

4. Paragraph No. 4. Defendant admits the allegations in this paragraph.

5. Paragraph No. 5. This paragraph consists of allegations that contain argument and legal contentions and legal authorities that speak for themselves, requiring no response by Defendant. To the extent that a response is required, Defendant denies each and every allegation.

¹ The following responses to each paragraph include responses to any footnotes that may be contained in the relevant paragraph.

² For the convenience of the Court and the parties, Defendant utilizes certain headings as set forth in the Complaint. In doing so, Defendant neither admits nor denies any allegations that may be suggested by the Complaint's headings.

1 6. Paragraph No. 6. Defendant lacks sufficient information or belief to
2 respond to the allegations in this paragraph, and on that basis denies each and every
3 allegation.

4 7. Paragraph No. 7. Defendant admits that Plaintiffs challenge subdivisions
5 (7), (8), (9), (10), (12), (13), (15), (16), (17), (19), (20), and (26) of California Penal
6 Code Section 26230. The remaining allegations in this paragraph consist of legal
7 arguments and contentions that require no response, but to the extent a response is
8 required, Defendant denies each and every such allegation.

9 8. Paragraph No. 8. This paragraph consists of allegations that contain
10 argument and legal contentions and legal authorities that speak for themselves,
11 requiring no response by Defendant. To the extent that a response is required,
12 Defendant denies each and every allegation.

13 **JURISDICTION AND VENUE**

14 9. Paragraph No. 9. The allegations in this paragraph consist of legal
15 argument and contentions and authorities that require no response, but to the extent
16 a response is required, Defendant denies each and every such allegation.

17 10. Paragraph No. 10. The allegations in this paragraph consist of legal
18 argument and contentions and authorities that require no response, but to the extent
19 a response is required, Defendant denies each and every such allegation.

20 **THE PARTIES**

21 **Individual Plaintiffs**

22 9.³ Paragraph No. 9. Defendant lacks sufficient information or belief to
23 respond to the allegations in this paragraph, and on that basis denies each and every
24 allegation.

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27
28 ³ The Complaint repeats 9 and 10 as paragraph numbers. For clarity,
Defendant's Answer mirrors that repetition.

1 10. Paragraph No. 10. Defendant lacks sufficient information or belief to
2 respond to the allegations in this paragraph, and on that basis denies each and every
3 allegation.

4 11. Paragraph No. 11. Defendant lacks sufficient information or belief to
5 respond to the allegations in this paragraph, and on that basis denies each and every
6 allegation.

7 12. Paragraph No. 12. Defendant lacks sufficient information or belief to
8 respond to the allegations in this paragraph, and on that basis denies each and every
9 allegation.

10 13. Paragraph No. 13. Defendant lacks sufficient information or belief to
11 respond to the allegations in this paragraph, and on that basis denies each and every
12 allegation.

13 14. Paragraph No. 14. Defendant lacks sufficient information or belief to
14 respond to the allegations in this paragraph, and on that basis denies each and every
15 allegation.

16 15. Paragraph No. 15. Defendant lacks sufficient information or belief to
17 respond to the allegations in this paragraph, and on that basis denies each and every
18 allegation.

19 16. Paragraph No. 16. Defendant lacks sufficient information or belief to
20 respond to the allegations in this paragraph, and on that basis denies each and every
21 allegation.

22 17. Paragraph No. 17. Defendant lacks sufficient information or belief to
23 respond to the allegations in this paragraph, and on that basis denies each and every
24 allegation.

25 18. Paragraph No. 18. Defendant lacks sufficient information or belief to
26 respond to the allegations in this paragraph, and on that basis denies each and every
27 allegation.
28

1 19. Paragraph No. 19. Defendant lacks sufficient information or belief to
2 respond to the allegations in this paragraph, and on that basis denies each and every
3 allegation.

4 20. Paragraph No. 20. Defendant lacks sufficient information or belief to
5 respond to the allegations in this paragraph, and on that basis denies each and every
6 allegation.

7 21. Paragraph No. 21. Defendant lacks sufficient information or belief to
8 respond to the allegations in this paragraph, and on that basis denies each and every
9 allegation.

10 22. Paragraph No. 22. Defendant lacks sufficient information or belief to
11 respond to the allegations in this paragraph, and on that basis denies each and every
12 allegation.

13 23. Paragraph No. 23. Defendant lacks sufficient information or belief to
14 respond to the allegations in this paragraph, and on that basis denies each and every
15 allegation.

16 24. Paragraph No. 24. Defendant lacks sufficient information or belief to
17 respond to the allegations in this paragraph, and on that basis denies each and every
18 allegation.

19 25. Paragraph No. 25. Defendant lacks sufficient information or belief to
20 respond to the allegations in this paragraph, and on that basis denies each and every
21 allegation.

22 26. Paragraph No. 26. Defendant lacks sufficient information or belief to
23 respond to the allegations in this paragraph, and on that basis denies each and every
24 allegation.

25 **Organizational Plaintiffs**

26 27. Paragraph No. 27. Defendant lacks sufficient information or belief to
27 respond to the allegations in this paragraph, and on that basis denies each and every
28 allegation.

1 28. Paragraph No. 28. Defendant lacks sufficient information or belief to
2 respond to the allegations in this paragraph, and on that basis denies each and every
3 allegation.

4 28. Paragraph No. 28. Defendant lacks sufficient information or belief to
5 respond to the allegations in this paragraph, and on that basis denies each and every
6 allegation.

7 29. Paragraph No. 29. Defendant lacks sufficient information or belief to
8 respond to the allegations in this paragraph, and on that basis denies each and every
9 allegation.

10 30. Paragraph No. 30. Defendant lacks sufficient information or belief to
11 respond to the allegations in this paragraph, and on that basis denies each and every
12 allegation.

13 31. Paragraph No. 31. Defendant lacks sufficient information or belief to
14 respond to the allegations in this paragraph, and on that basis denies each and every
15 allegation.

16 32. Paragraph No. 32. Defendant lacks sufficient information or belief to
17 respond to the allegations in this paragraph, and on that basis denies each and every
18 allegation.

19 33. Paragraph No. 33. Defendant lacks sufficient information or belief to
20 respond to the allegations in this paragraph, and on that basis denies each and every
21 allegation.

22 34. Paragraph No. 34. Defendant admits that Rob Bonta is the Attorney
23 General of the State of California, that he is the chief law officer of California, and
24 that he has various duties under California law. Defendant further admits that the
25 Department of Justice maintains an office in Los Angeles, California. The
26 remaining allegations in this paragraph consist of legal arguments and contentions
27 that require no response, but to the extent a response is required, Defendant denies
28 each and every such allegation.

GENERAL ALLEGATIONS

35. Paragraph No. 35. This paragraph consists of allegations that contain argument and legal contentions and legal authorities that speak for themselves, requiring no response by Defendant. To the extent that a response is required, Defendant denies each and every allegation.

36. Paragraph No. 36. This paragraph consists of allegations that contain argument and legal contentions and legal authorities that speak for themselves, requiring no response by Defendant. To the extent that a response is required, Defendant denies each and every allegation.

37. Paragraph No. 37. This paragraph consists of allegations that contain argument and legal contentions and legal authorities that speak for themselves, requiring no response by Defendant. To the extent that a response is required, Defendant denies each and every allegation.

38. Paragraph No. 38. Defendant admits that the California Legislature passed SB2 in September 2023, that the bill took effect on January 1, 2024, and that Governor Newsom used the word “absurdity” in reference to *New York State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111 (2022) and described *Bruen* as a “bad ruling.” Except as expressly admitted, Defendant lacks sufficient information or belief to respond to the remaining allegations in this paragraph, and on that basis denies each and every such remaining allegation.

39. Paragraph No. 39. This paragraph consists of allegations that contain argument and legal contentions and legal authorities that speak for themselves, requiring no response by Defendant. To the extent that a response is required, Defendant denies each and every allegation.

40. Paragraph No. 40. This paragraph consists of allegations that contain argument and legal contentions and legal authorities that speak for themselves, requiring no response by Defendant. Except as alleged, Defendant lacks sufficient

1 information or belief to respond to the allegations in this paragraph, and on that
2 basis denies each and every allegation.

3 41. Paragraph No. 41. This paragraph consists of an allegation that contains
4 argument and legal contentions and legal authorities that speak for themselves,
5 requiring no response by Defendant. To the extent that a response is required,
6 Defendant denies the allegation.

7 42. Paragraph No. 42. This paragraph consists of allegations that contain
8 argument and legal contentions and legal authorities that speak for themselves,
9 requiring no response by Defendant. To the extent that a response is required,
10 Defendant denies each and every allegation.

11 43. Paragraph No. 43. This paragraph consists of allegations that contain
12 argument and legal contentions and legal authorities that speak for themselves,
13 requiring no response by Defendant. To the extent that a response is required,
14 Defendant denies each and every allegation.

15 44. Paragraph No. 44. This paragraph consists of allegations that contain
16 argument and legal contentions and legal authorities that speak for themselves,
17 requiring no response by Defendant. To the extent that a response is required,
18 Defendant denies each and every allegation.

19 45. Paragraph No. 45. This paragraph consists of allegations that contain
20 argument and legal contentions and legal authorities that speak for themselves,
21 requiring no response by Defendant. To the extent that a response is required,
22 Defendant denies each and every allegation.

23 46. Paragraph No. 46. This paragraph consists of allegations that contain
24 argument and legal contentions and legal authorities that speak for themselves,
25 requiring no response by Defendant. To the extent that a response is required,
26 Defendant denies each and every allegation.

27 47. Paragraph No. 47. This paragraph consists of allegations that contain
28 argument and legal contentions and legal authorities that speak for themselves,

1 requiring no response by Defendant. To the extent that a response is required,
2 Defendant denies each and every allegation.

3 48. Paragraph No. 48. This paragraph consists of allegations that contain
4 argument and legal contentions and legal authorities that speak for themselves,
5 requiring no response by Defendant. To the extent that a response is required,
6 Defendant denies each and every allegation.

7 **CLAIM FOR RELIEF**

8 **VIOLATION OF 42 U.S.C. § 1983 (SECOND AMENDMENT)**

9 48. Paragraph No. 48. Defendant incorporates by reference the answers in
10 Paragraphs 1 through 47 above.

11 49. Paragraph No. 49. This paragraph consists of allegations that contain
12 argument and legal contentions and legal authorities that speak for themselves,
13 requiring no response by Defendant. To the extent that a response is required,
14 Defendant denies each and every allegation.

15 50. Paragraph No. 50. This paragraph consists of allegations that contain
16 argument and legal contentions and legal authorities that speak for themselves,
17 requiring no response by Defendant. To the extent that a response is required,
18 Defendant denies each and every allegation.

19 51. Paragraph No. 51. This paragraph consists of allegations that contain
20 argument and legal contentions and legal authorities that speak for themselves,
21 requiring no response by Defendant. To the extent that a response is required,
22 Defendant denies each and every allegation.

23 52. Paragraph No. 52. This paragraph consists of allegations that contain
24 argument and legal contentions and legal authorities that speak for themselves,
25 requiring no response by Defendant. To the extent that a response is required,
26 Defendant denies each and every allegation.

27 53. Paragraph No. 53. This paragraph consists of allegations that contain
28 argument and legal contentions and legal authorities that speak for themselves,

1 requiring no response by Defendant. To the extent that a response is required,
2 Defendant denies each and every allegation.

3 54. Paragraph No. 54. This paragraph consists of allegations that contain
4 argument and legal contentions and legal authorities that speak for themselves,
5 requiring no response by Defendant. To the extent that a response is required,
6 Defendant denies each and every allegation.

7 55. Paragraph No. 55. This paragraph consists of allegations that contain
8 argument and legal contentions and legal authorities that speak for themselves,
9 requiring no response by Defendant. To the extent that a response is required,
10 Defendant denies each and every allegation.

11 56. Paragraph No. 56. This paragraph consists of allegations that contain
12 argument and legal contentions and legal authorities that speak for themselves,
13 requiring no response by Defendant. To the extent that a response is required,
14 Defendant denies each and every allegation.

15 57. Paragraph No. 57. This paragraph consists of allegations that contain
16 argument and legal contentions and legal authorities that speak for themselves,
17 requiring no response by Defendant. To the extent that a response is required,
18 Defendant denies each and every allegation.

19 58. Paragraph No. 58. This paragraph consists of allegations that contain
20 argument and legal contentions and legal authorities that speak for themselves,
21 requiring no response by Defendant. To the extent that a response is required,
22 Defendant denies each and every allegation.

23 59. Paragraph No. 59. Defendant lacks sufficient information or belief to
24 respond to the allegations in this paragraph, and on that basis denies each and every
25 allegation.
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PRAYER FOR RELIEF

Defendant denies that Plaintiffs are entitled to the relief set forth in the Prayer for Relief immediately following paragraph 59, or to any relief whatsoever. To the extent that the Prayer for Relief states any allegations, Defendant denies them.

In addition, without admitting any allegations contained in the complaint, Defendant asserts the following defenses based on information and belief:

FIRST AFFIRMATIVE DEFENSE

The Complaint, and the claims for relief alleged therein, fails to state facts sufficient to constitute a cause of action against Defendant.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims in this action are barred in that Plaintiffs do not have standing to bring them.

THIRD AFFIRMATIVE DEFENSE

The Complaint, and each cause of action therein, is improper as Plaintiffs have an adequate remedy at law.

FOURTH AFFIRMATIVE DEFENSE

The Complaint, and every cause of action therein, is barred by the equitable doctrines of estoppel, laches, unclean hands, and/or waiver.

FIFTH AFFIRMATIVE DEFENSE

To the extent that Defendant has undertaken any conduct with regard to the subjects and events underlying Plaintiffs' Complaint, such conduct was, at all times material thereto, undertaken in good faith and in reasonable reliance on existing law.

SIXTH AFFIRMATIVE DEFENSE

Defendant has not knowingly or intentionally waived any applicable affirmative defense. Defendant reserves the right to assert and rely upon other such defenses as may become available or apparent during discovery proceedings or as may be raised or asserted by others in this case, and to amend the Answer and/or

1 affirmative defenses accordingly. Defendant further reserves the right to amend the
2 Answer to delete affirmative defenses that they determine are not applicable after
3 subsequent discovery.

4 WHEREFORE, Defendant prays that:

- 5 1. Plaintiffs take nothing by reason of the Complaint;
- 6 2. Judgment be entered in favor of Defendant;
- 7 3. Defendant be awarded costs incurred in defending this action; and
- 8 4. Defendant be awarded such further relief that the Court may deem just and
9 proper.

10 Dated: March 5, 2025

Respectfully submitted,

11
12 ROB BONTA
Attorney General of California
13 MARK R. BECKINGTON
Supervising Deputy Attorney General

14 /s/ Robert L. Meyerhoff
15 ROBERT L. MEYERHOFF
Deputy Attorney General

16 *Attorneys for Rob Bonta in his official*
17 *capacity as Attorney General for the*
18 *State of California*